

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11125 of 1994

For Approval and Signature:

HON'BLE MR. JUSTICE ANANT S DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

KANA RAMA

Versus

SUPERINTENDING ENGINEER

Appearance:

1. Special Civil Application No. 11125 of 1994
MR MD RANA for Petitioner
MR DA BAMBHANIA for Respondent No. 1
MS MANISHA SHAH AGP for Respondent No.2

CORAM : HON'BLE MR. JUSTICE ANANT S DAVE

Date of decision: 19/10/2004

ORAL JUDGEMENT

1. This petition under Article 226 of the Constitution of India is directed with a view to challenging the legality and validity of an action of not considering the case of the petitioner for appointment on compassionate ground after his father died in harness.

2. It is the case of the petitioner that he is the son of deceased Rama Lakhamanbhai who was serving as unskilled labourer in the Department of Roads and Building of the State of Gujarat and continued to serve for about 10 years on the project activities and, thereafter, Rama Lakhaman died on 1st August, 1990. The petitioner is annexed relevant certificate with regard to death of his father.

3. It is contended by the petitioner that he is eldest son to look after the family including his mother and he submitted an application to the Competent Authority, Superintending Engineer and Executive Engineer and a copy of the application is also annexed with the petition dated 21st October, 1991.

4. The petitioner claims for appointment on companssionate ground in connection with the policy of the Government in this regard. Initially, the Court issued notice making it returnable after two weeks and, thereafter, on 17th June, 1995, the Court passed an interim order, while admitting the petition, directing the respondent to decide the representation made by the petitioner. When the matter was called out for final hearing today, no decision is taken by the Government pursuant to the representation preferred by the petitioner.

5. Ms.Manisha Shah, learned AGP for the respondent State has submitted that if the representation is not decided, so far the authority will decide the same as expeditiously as possible preferably within a period of four weeks from the date of receipt of the writ of this order. She has also submitted on merits that, as on today, no policy with regard to appointment on the basis of companssionate ground, is in existence with regard to the deceased employees who are daily wagers or a badli workers.

6. That as it may the Court's order dated 17th June, 1995 is till today not complied with. Looking to the aforesaid facts and circumstances of the case, the respondent - authority is directed to decide the representation of the petitioner. If not decided, as expeditiously as possible preferably within a period of four weeks from the date of receipt of the writ of this order, accordingly.

7. In view of the aforesaid observation and direction, no further order is required to be passed.

This petition is disposed of accordingly. Rule stands discharged. No order as to costs.

[Anant S. Dave, J.]

(vijay)